

TENNESSEE COMMISSION OF INDIAN AFFAIRS

March 12, 2005

To whom it may concern:

This is a policy statement of the Commission of Indian Affairs. The Commission vehemently opposes the display of Native American Indian remains in any manner, at any time, anywhere, for any reason. We acknowledge the state's statutory prohibition against the display of Native American Indian human remains found at TCA sect. 11-6-117. We also acknowledge the recent Attorney General's opinion interpreting this statute, issued January 5, 2005. We unanimously agree that neither of these legal deterrents are enough.

The Commission unanimously objects to the display of actual American Indian remains in any capacity. We include in our objection the use of actual remains, photographs and video of such, used in an educational setting despite what the Attorney General's office said in its opinion. Our duty to protect remains may be found at TC Sect. 4-34-102(1,3, &6) and 4-34-103(1,3,7 & 9). To perform our duties for Indian people, also, includes our deceased ancestors. We feel our duty as Indians includes the spiritual as well as the legal realms. Under our statute we are to work to protect Indian traditions and culture. We, as American Indians, believe in natural law. This means that spiritual and moral issues also factor into the law in our culture. We cannot, in a disinterested cold manner, evaluate the display of our ancestors. We can evaluate the treatment of our ancestors in the legal context presented to us; we must, also, evaluate the treatment of our ancestors in a spiritual and moral context. From a spiritual and moral point, we say the law does not do enough to protect our ancestors.

The Attorney General's opinion found that images of Native American Indian remains were not covered by the TCA statute and, therefore, can be used in any manner. We, the Commission of Indian Affairs, include in our policy, the images of Indian remains. Actual remains, photographs nor video images of remains should be displayed in any manner. A good journalist can write a fine article about the protection of Indian remains without utilizing pictures of them. A TV station, with integrity and decency, can air an outstanding piece on the protection of Indian remains without utilizing footage of the remains. Class room settings, teachers, professors, archeologists and scientists can find another way to treat our ancestors as science projects or they can use their own ancestors in any way with which they feel comfortable.

The Commission will not debate this issue. Once again, The Tennessee Commission of Indian Affairs opposed the display of Native American Indian remains in any manner, including images of such remains.

Commissioners

Teri-Lee R. Ellenwood
Jimmy Reedy
Mike Mangrum
Evangeline Lynch
Ruth Knight Allen
Kippy L. Vaughn
John Anderson